

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONYA R. MCCAIN,

Defendants.

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Case Number 06-13830

Honorable David M. Lawson

Magistrate Judge Paul J. Komives

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AS TO  
DAMAGES**

Presently before the Court is the report issued on October 5, 2007 by Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the plaintiff's motion for summary judgment as to damages and enter judgment against the defendant in the amount of \$4,261.33, the sum sought in the complaint. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 13] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment as to damages [dkt

# 9] is **GRANTED**. A judgment will follow this date.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: December 20, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 20, 2007.

s/Felicia M. Moses  
FELICIA M. MOSES